

By the Committee on Health Regulation; and Senator Ring

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1                   A bill to be entitled  
2           An act relating to autism; creating s. 381.986, F.S.;  
3           requiring that a physician refer a minor to an  
4           appropriate specialist for screening for autism  
5           spectrum disorder under certain circumstances;  
6           defining the term "appropriate specialist"; amending  
7           ss. 627.6686 and 641.31098, F.S.; defining the terms  
8           "developmental disability" and "direct patient  
9           access"; providing health insurance coverage for  
10          individuals with certain developmental disabilities;  
11          requiring certain insurers and health maintenance  
12          organizations to provide direct patient access to an  
13          appropriate specialist for screening, evaluation of,  
14          or diagnosis for autism spectrum disorder or other  
15          developmental disabilities; requiring the insurer's  
16          policy or the health maintenance organization's  
17          contract to provide a minimum number of visits per  
18          year for the screening, evaluation, or diagnosis for  
19          autism spectrum disorder or other developmental  
20          disabilities; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Section 381.986, Florida Statutes, is created to  
25 read:

26           381.986 Screening for autism spectrum disorder.—

27           (1) If the parent or legal guardian of a minor believes  
28 that the minor exhibits symptoms of autism spectrum disorder,  
29 the parent or legal guardian may report his or her observation

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30 to a physician licensed in this state. The physician shall  
31 perform screening in accordance with American Academy of  
32 Pediatrics' guidelines. If the physician determines that  
33 referral to a specialist is medically necessary, he or she shall  
34 refer the minor to an appropriate specialist to determine  
35 whether the minor meets diagnostic criteria for autism spectrum  
36 disorder. If the physician determines that referral to a  
37 specialist is not medically necessary, the physician shall  
38 inform the parent or legal guardian that they can self-refer to  
39 the Early Steps intervention program or other specialist in  
40 autism. This section does not apply to a physician providing  
41 care under s. 395.1041.

42 (2) As used in this section, the term "appropriate  
43 specialist" means a qualified professional who is experienced in  
44 the evaluation of autism spectrum disorder, is licensed in this  
45 state, and has training in validated diagnostic tools. The term  
46 includes, but is not limited to:

47 (a) A psychologist;

48 (b) A psychiatrist;

49 (c) A neurologist;

50 (d) A developmental or behavioral pediatrician; or

51 (e) A professional whose licensure is deemed appropriate by  
52 the Children's Medical Services Early Steps Program within the  
53 Department of Health.

54 Section 2. Section 627.6686, Florida Statutes, is amended  
55 to read:

56 627.6686 Coverage for individuals with developmental  
57 disabilities ~~autism spectrum disorder required; exception.-~~

58 (1) This section and s. 641.31098 may be cited as the

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59 "Steven A. Geller Autism Coverage Act."

60 (2) As used in this section, the term:

61 (a) "Applied behavior analysis" means the design,  
62 implementation, and evaluation of environmental modifications,  
63 using behavioral stimuli and consequences, to produce socially  
64 significant improvement in human behavior, including, but not  
65 limited to, the use of direct observation, measurement, and  
66 functional analysis of the relations between environment and  
67 behavior.

68 (b) "Autism spectrum disorder" means any of the following  
69 disorders as defined in the most recent edition of the  
70 Diagnostic and Statistical Manual of Mental Disorders of the  
71 American Psychiatric Association:

- 72 1. Autistic disorder.
- 73 2. Asperger's syndrome.
- 74 3. Pervasive developmental disorder not otherwise  
75 specified.

76 (c) "Developmental disability" means a disorder or syndrome  
77 attributable to cerebral palsy or Down syndrome, which manifests  
78 before the age of 18 years and constitutes a substantial  
79 handicap that can reasonably be expected to continue  
80 indefinitely. As used in this section:

- 81 1. "Cerebral palsy" has the same meaning as in s. 393.063.
- 82 2. "Down syndrome" means a disorder caused by the presence  
83 of an extra chromosome 21.

84 (d) "Direct patient access" means the ability of an insured  
85 to obtain services from an in-network provider without a  
86 referral or other authorization before receiving services.

87 (e)~~(e)~~ "Eligible individual" means an individual under 18

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88 years of age or an individual 18 years of age or older who is in  
89 high school and who has been diagnosed as having a developmental  
90 disability at 8 years of age or younger.

91 (f)~~(d)~~ "Health insurance plan" means a group health  
92 insurance policy or group health benefit plan offered by an  
93 insurer which includes the state group insurance program  
94 provided under s. 110.123. The term does not include a ~~any~~  
95 health insurance plan offered in the individual market, a ~~any~~  
96 health insurance plan that is individually underwritten, or a  
97 ~~any~~ health insurance plan provided to a small employer.

98 (g)~~(e)~~ "Insurer" means an insurer providing health  
99 insurance coverage, which is licensed to engage in the business  
100 of insurance in this state and is subject to insurance  
101 regulation.

102 (3) A health insurance plan issued or renewed on or after  
103 April 1, 2009, shall provide coverage to an eligible individual  
104 for:

105 (a) Direct patient access to an appropriate specialist, as  
106 defined in s. 381.986, for a minimum of three visits per policy  
107 year for the screening for, evaluation of, or diagnosis of  
108 autism spectrum disorder or other developmental disability.

109 (b)~~(a)~~ Well-baby and well-child screening for diagnosing  
110 the presence of autism spectrum disorder.

111 (c)~~(b)~~ Treatment of autism spectrum disorder or other  
112 developmental disability through speech therapy, occupational  
113 therapy, physical therapy, and applied behavior analysis.  
114 Applied behavior analysis services shall be provided by an  
115 individual certified pursuant to s. 393.17 or an individual  
116 licensed under chapter 490 or chapter 491.

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117 (4) The coverage required pursuant to subsection (3) is  
118 subject to the following requirements:

119 (a) Coverage shall be limited to treatment that is  
120 prescribed by the insured's treating physician in accordance  
121 with a treatment plan.

122 (b) Coverage for the services described in subsection (3)  
123 shall be limited to \$36,000 annually and may not exceed \$200,000  
124 in total lifetime benefits.

125 (c) Coverage may not be denied on the basis that provided  
126 services are habilitative in nature.

127 (d) Coverage may be subject to other general exclusions and  
128 limitations of the insurer's policy or plan, including, but not  
129 limited to, coordination of benefits, participating provider  
130 requirements, restrictions on services provided by family or  
131 household members, and utilization review of health care  
132 services, including the review of medical necessity, case  
133 management, and other managed care provisions.

134 (5) The coverage required pursuant to subsection (3) may  
135 not be subject to dollar limits, deductibles, or coinsurance  
136 provisions that are less favorable to an insured than the dollar  
137 limits, deductibles, or coinsurance provisions that apply to  
138 physical illnesses that are generally covered under the health  
139 insurance plan, except as otherwise provided in subsection (4).

140 (6) An insurer may not deny or refuse to issue coverage for  
141 medically necessary services, refuse to contract with, or refuse  
142 to renew or reissue or otherwise terminate or restrict coverage  
143 for an individual because the individual is diagnosed as having  
144 a developmental disability.

145 (7) The treatment plan required pursuant to subsection (4)

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146 shall include all elements necessary for the health insurance  
147 plan to appropriately pay claims. These elements include, but  
148 are not limited to, a diagnosis, the proposed treatment by type,  
149 the frequency and duration of treatment, the anticipated  
150 outcomes stated as goals, the frequency with which the treatment  
151 plan will be updated, and the signature of the treating  
152 physician.

153 (8) Beginning January 1, 2011, the maximum benefit under  
154 paragraph (4) (b) shall be adjusted annually on January 1 of each  
155 calendar year to reflect any change from the previous year in  
156 the medical component of the then current Consumer Price Index  
157 for all urban consumers, published by the Bureau of Labor  
158 Statistics of the United States Department of Labor.

159 (9) This section may not be construed as limiting benefits  
160 and coverage otherwise available to an insured under a health  
161 insurance plan.

162 (10) The Office of Insurance Regulation may not enforce  
163 this section against an insurer that is a signatory no later  
164 than April 1, 2009, to the developmental disabilities compact  
165 established under s. 624.916. The Office of Insurance Regulation  
166 shall enforce this section against an insurer that is a  
167 signatory to the compact established under s. 624.916 if the  
168 insurer has not complied with the terms of the compact for all  
169 health insurance plans by April 1, 2010.

170 Section 3. Subsections (2) and (3) of section 641.31098,  
171 Florida Statutes, are amended to read:

172 641.31098 Coverage for individuals with developmental  
173 disabilities.—

174 (2) As used in this section, the term:

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175 (a) "Applied behavior analysis" means the design,  
176 implementation, and evaluation of environmental modifications,  
177 using behavioral stimuli and consequences, to produce socially  
178 significant improvement in human behavior, including, but not  
179 limited to, the use of direct observation, measurement, and  
180 functional analysis of the relations between environment and  
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183 disorders as defined in the most recent edition of the  
184 Diagnostic and Statistical Manual of Mental Disorders of the  
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192 before the age of 18 years and constitutes a substantial  
193 handicap that can reasonably be expected to continue  
194 indefinitely. As used in this section:

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- 196 2. "Down syndrome" means a disorder caused by the presence  
197 of an extra chromosome 21.

198 (d) "Direct patient access" means the ability of an insured  
199 to obtain services from an in-network provider without a  
200 referral or other authorization before receiving services.

201 (e) ~~(e)~~ "Eligible individual" means an individual under 18  
202 years of age or an individual 18 years of age or older who is in  
203 high school and who has been diagnosed as having a developmental

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204 disability at 8 years of age or younger.

205 (f)~~(d)~~ "Health maintenance contract" means a group health  
206 maintenance contract offered by a health maintenance  
207 organization. The ~~This~~ term does not include a health  
208 maintenance contract offered in the individual market, a health  
209 maintenance contract that is individually underwritten, or a  
210 health maintenance contract provided to a small employer.

211 (3) A health maintenance contract issued or renewed on or  
212 after April 1, 2009, shall provide coverage to an eligible  
213 individual for:

214 (a) Direct patient access to an appropriate specialist, as  
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219 the presence of autism spectrum disorder.

220 (c)~~(b)~~ Treatment of autism spectrum disorder or other  
221 developmental disability through speech therapy, occupational  
222 therapy, physical therapy, and applied behavior analysis  
223 services. Applied behavior analysis services shall be provided  
224 by an individual certified pursuant to s. 393.17 or an  
225 individual licensed under chapter 490 or chapter 491.

226 Section 4. This act shall take effect July 1, 2010.